

REMARKS

Applicants submit the following Amendments and remarks in response to the Official Action mailed August 25, 2005. As an initial matter Applicants acknowledge with appreciation that the Examiner has deemed that claims 1-8 are in condition for allowance and that claim 11, although objected to for depending upon rejected base claim, has been deemed to contain patentable subject matter.

In the Official Action, the Examiner alerts the Applicants that the application must claim benefit to an earlier application and contain a specific reference to the prior application in the first sentence of the specification or in an Application Data Sheet. In response to this, Applicants have amended the first sentence of the application to thereby properly claim benefit to earlier applications.

The Examiner also objects to the drawings under 37 C.F.R. §1.83(a). Specifically, the Examiner asserts that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner objects to the mentioning that the convex structure of the second base plate having a central bore where the post is disposed in the central bore must be shown or the feature cancelled from the claims. The Examiner states that according to the drawings the post is disposed in the opening in the first plate, not the second plate. Although the Examiner does not indicate which claim he specifically is speaking about Applicants assume that he is speaking about claims 9 and 17. With all due respect to the Examiner, the Examiner is mistaken as to the specific element and function of the central bore. As described in paragraph [0138] of the present application, the central bore to which Applicants refer to is central bore 214 shown in FIG. 3h. Central bore 214 enables the post to extend through a portion of the curved socket and for the ball to be received within the curved pocket 212. Since the post is extending through the bore 214, the post is able to angulate and rotate as the ball angulates and rotates in the curved pocket. Applicants have amended claims 9 and 17 to clarify this recitation for the Examiner. No new matter has been added to the application as a result of this Amendment.

The Examiner has also requested that the Applicants check the lengthy specification to determine the presence of all possible minor errors. In response to this,

Applicants submit herewith a substitute specification thereby including reference numerals that were included within the drawings, but were not discussed in the specification of the application. Hopefully the substituted specification meets with the Examiner's approval. No new matter has been introduced as a result of this substitute specification.

CLAIM REJECTIONS 35 U.S.C. – Harrington

Claims 9, 10 and 13-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,893,889 to *Harrington*. With all due respect to the Examiner, Applicants respectfully traverse Examiner's rejection and assert that *Harrington* does not disclose all the recitations included within the claims which it is cited against. Specifically, independent claim 9 and independent claim 17 each include a recitation directed toward a spring member. In order to expedite the prosecution of the present application, the claims have been amended to clearly recite the positioning of the spring member. As included in both claims 9 and 17, the spring member is positioned between the cap and the second base plate. This enables the spring member to act as a cushioning member, such that any compressive load placed on the base plate is borne by the spring member. The positioning of the spring member is in contrast to that shown in *Harrington*. Specifically, the spring member shown in *Harrington*, which is described as an absorbing plug, is inserted between the base plate and the head of a post. This, thereby requires the head of the post contacts the spring member, in contrast to that included within newly amended claims 9 and 17 of the present application. Further, since the cap in *Harrington* is permanently secured thereto as contrasted within amended claims 9 and 17, wherein the cap is removably secured thereto, the spring would have to be dropped through the channel in order to be correctly positioned in *Harrington*. Unfortunately, a spring is required to be positioned correctly in contrast to an absorbing plug and simply dropping the spring member is not a sufficient option.

In the Official Action, claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Harrington*. However, claim 12 depends from independent claim 9 and thus, Applicants assert that due to the amendments to claim 9, that claim 12 should also be deemed to be in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 27, 2006

Respectfully submitted,

By

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